



February 22, 2002

ENGROSSED SENATE BILL No. 401

DIGEST OF SB 401 (Updated February 20, 2002 9:21 AM - DI 96)

Citations Affected: IC 9-13; IC 9-17; IC 9-21; IC 9-25; IC 14-16.

Synopsis: Electric personal assistive mobility devices. Defines an electric personal assistive mobility device as a self-balancing, two nontandem wheeled device with certain other attributes. Excludes an electric personal assistive mobility device from the definition of motor vehicle and from various requirements in the motor vehicle code. Includes the use of an electric personal assistive mobility device within certain provisions relating to the operation of a vehicle while intoxicated. Requires a person to acquire a certificate of title for an off-road vehicle, motor scooter, or motorized bicycle that will be operated within the state. Provides that this requirement does not apply to off-road vehicles, motor scooters, or motorized bicycles purchased before July 1, 2002, by an Indiana resident.

Effective: Upon passage; July 1, 2002.

Riegsecker, Nugent, Sipes
(HOUSE SPONSORS — COOK, MOCK)

January 10, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, amended, ordered engrossed.

January 29, 2002, engrossed.

January 31, 2002, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Roads and Transportation.

February 21, 2002, amended, reported — Do Pass.

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ES 401—LS 7242/DI 96+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 401

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-49.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 49.3. "Electric personal assistive mobility**
4 **device" means a self-balancing, two (2) nontandem wheeled device**
5 **that is designed to transport only one (1) person and that has the**
6 **following:**

7 **(1) An electric propulsion system with average power of seven**
8 **hundred fifty (750) watts or one (1) horsepower.**

9 **(2) A maximum speed of less than twenty (20) miles per hour**
10 **when operated on a paved level surface, when powered solely**
11 **by the propulsion system referred to in subdivision (1), and**
12 **when operated by an operator weighing one hundred seventy**
13 **(170) pounds.**

14 SECTION 2. IC 9-13-2-105 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 105. (a) "Motor**
16 **vehicle" means, except as otherwise provided in this section, a vehicle**
17 **that is self-propelled. The term does not include a farm tractor, or an**

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implement of husbandry, **or an electric personal assistive mobility device.**

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle except a motorized bicycle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 3. IC 9-13-2-109 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 109. "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

- (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.
- (2) An automatic transmission.
- (3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.

The term does not include an electric personal assistive mobility device.

SECTION 4. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 5. IC 9-13-2-196 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.



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(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

- (A) Road construction or maintenance machinery.
- (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
- (C) Construction dust control machinery.
- (D) Well boring apparatus.
- (E) Ditchdigging apparatus.
- (F) An implement of husbandry.
- (G) An invalid chair.
- (H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. **The term includes an electric personal assistive mobility device.**

SECTION 6. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; **and**
- (2) **are off-road vehicles and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**
- (3) **are motor scooters and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**
- or**
- (4) **are motorized bicycles and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**

and will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under



IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; ~~or~~

(3) any other information that the bureau requires, if the other state does not have a certificate of title and registration law.

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.**

~~(b)~~ (b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.**

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

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SECTION 10. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
- (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) A motor vehicle that is registered under the International Registration Plan.

(4) A motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer designated by the bureau to perform an inspection.
- (2) A military policeman assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application.

SECTION 11. IC 9-17-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **This subsection does not apply to an off-road vehicle required to be registered under IC 14-16-1-8.** Except as provided in subsection (b), a person

may not operate or permit to be operated upon the highways a motor vehicle, semitrailer, or recreational vehicle under an Indiana registration number unless a certificate of title has been issued under this chapter for the motor vehicle, semitrailer, or recreational vehicle.

(b) A person may operate a motor vehicle, semitrailer, or recreational vehicle upon highways without an Indiana certificate of title if the motor vehicle, semitrailer, or recreational vehicle:

- (1) is:
 - (A) fully titled and registered in another state; and



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1 (B) operating under an Indiana trip permit or temporary
2 registration; or

3 (2) is registered under apportioned registration of the
4 International Registration Plan and based in a state other than
5 Indiana.

6 (c) A person who owns a motor vehicle, semitrailer, or recreational
7 vehicle may declare Indiana as the person's base without obtaining an
8 Indiana certificate of title if:

9 (1) the person's state of residence is not a member of the
10 International Registration Plan; and

11 (2) the person presents satisfactory proof of ownership from the
12 resident state.

13 **(d) This subsection does not apply to a motor scooter, a**
14 **motorized bicycle, or an off-road vehicle purchased before July 1,**
15 **2002. A person may not operate or permit to be operated upon the**
16 **highways:**

17 (1) a motor scooter;

18 (2) a motorized bicycle; or

19 (3) an off-road vehicle;

20 **unless a certificate of title has been issued under this chapter for**
21 **the motor scooter, motorized bicycle, or off-road vehicle, or unless**
22 **the motor scooter, motorized bicycle, or off-road vehicle is titled in**
23 **another state.**

24 SECTION 12. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE
25 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2002]: **Sec. 17. A title issued under this chapter does not relieve**
27 **an owner of an off-road vehicle from any registration requirement**
28 **for the off-road vehicle under IC 14-16-1.**

29 SECTION 13. IC 9-21-9-0.5 IS ADDED TO THE INDIANA CODE
30 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to an**
32 **electric personal assistive mobility device.**

33 SECTION 14. IC 9-25-4-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) This section**
35 **does not apply to an electric personal assistive mobility device.**

36 **(b)** A person may not:

37 (1) register a vehicle; or

38 (2) operate a vehicle on a public highway;

39 in Indiana if financial responsibility is not in effect with respect to the
40 motor vehicle under section 4 of this chapter.

41 ~~(b)~~ **(c)** A person who violates this section is subject to the
42 suspension of the person's current driving license or vehicle

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1 registration, or both, under this article.

2 SECTION 15. IC 14-16-1-9.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2002]: **Sec. 9.5. Registration under this**
5 **chapter does not relieve an owner of an off-road vehicle from any**
6 **title requirement for the off-road vehicle under IC 9-17-2.**

7 SECTION 16. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Nugent be added as coauthor of Senate Bill 401.

RIEGSECKER

SENATE MOTION

Mr. President: I move that Senator Sipes be added as coauthor of Senate Bill 401.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred Senate Bill No. 401, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Beginning on page 1, line 1, delete the effective date "[EFFECTIVE JULY 1, 2002]" in SECTIONS 1 through 9 and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 3, line 42, after "(b)" insert **"A local authority may not adopt by ordinance any prohibition against or restriction on the use of an electric personal assistive mobility device operated on a path set aside for the exclusive use of bicycles as set forth in IC 9-21-11-1(b)."**

Page 3, line 42, before "An" begin a new paragraph and insert: "(c)".

and when so amended that said bill do pass.

(Reference is to SB 401 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 401 be amended to read as follows:

Page 3, line 30, delete "(a) A local authority may not adopt by".

Page 3, delete lines 31 through 41.

Page 3, line 42, delete "(b)".

Page 3, run in lines 30 and 42.

Page 4, delete lines 4 through 7.

(Reference is to SB 401 as printed January 25, 2002.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "two" insert **"(2)"**.

Page 1, line 7, delete "750" and insert **"seven hundred fifty (750)"**.

Page 2, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 4. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3."

Page 3, line 18, delete "does not include" and insert **"includes"**.

Page 3, between lines 18 and 19, begin a new paragraph and insert:
"SECTION 6. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; and**
- (2) are off-road vehicles and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**
- (3) are motor scooters and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**
- or**
- (4) are motorized bicycles and were purchased by the person after June 30, 2002, or have a certificate of title from another state;**

and will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;**
- (2) are not subject to proportional registration under the International Registration Plan; and**
- (3) will be operated in Indiana.**

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. If an application for a certificate

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of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**
- (3) any other information that the bureau requires, if the other state does not have a certificate of title and registration law.**

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.**

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 10. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer

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licensed by the state.

(2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.

(3) A motor vehicle that is registered under the International Registration Plan.

(4) A motor vehicle requiring a title under section 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer designated by the bureau to perform an inspection.

(2) A military policeman assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

SECTION 11. IC 9-17-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **This subsection does not apply to an off-road vehicle required to be registered under IC 14-16-1-8.** Except as provided in subsection (b), a person may not operate or permit to be operated upon the highways a motor vehicle, semitrailer, or recreational vehicle under an Indiana registration number unless a certificate of title has been issued under this chapter for the motor vehicle, semitrailer, or recreational vehicle.

(b) A person may operate a motor vehicle, semitrailer, or recreational vehicle upon highways without an Indiana certificate of title if the motor vehicle, semitrailer, or recreational vehicle:

(1) is:

(A) fully titled and registered in another state; and

(B) operating under an Indiana trip permit or temporary registration; or

(2) is registered under apportioned registration of the International Registration Plan and based in a state other than Indiana.

(c) A person who owns a motor vehicle, semitrailer, or recreational vehicle may declare Indiana as the person's base without obtaining an Indiana certificate of title if:

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- (1) the person's state of residence is not a member of the International Registration Plan; and
- (2) the person presents satisfactory proof of ownership from the resident state.

(d) This subsection does not apply to a motor scooter, a motorized bicycle, or an off-road vehicle purchased before July 1, 2002. A person may not operate or permit to be operated upon the highways:

- (1) a motor scooter;**
- (2) a motorized bicycle; or**
- (3) an off-road vehicle;**

unless a certificate of title has been issued under this chapter for the motor scooter, motorized bicycle, or off-road vehicle, or unless the motor scooter, motorized bicycle, or off-road vehicle is titled in another state.

SECTION 12. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 17. A title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1."**

Page 3, delete lines 19 through 34.

Page 4, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 15. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any title requirement for the off-road vehicle under IC 9-17-2."**

Page 4, delete lines 8 through 42.

Page 5, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 401 as reprinted January 29, 2002.)

COOK, Chair

Committee Vote: yeas 12, nays 0.



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